

## § 98.418

## 40 CFR Ch. I (7–1–11 Edition)

(c) In addition to the data required by § 98.3(g), the bulk importer shall retain the following records substantiating each of the imports that they report:

(1) A copy of the bill of lading for the import.

(2) The invoice for the import.

(3) The U.S. Customs entry form.

(d) In addition to the data required by § 98.3(g), the bulk exporter shall retain the following records substantiating each of the exports that they report:

(1) A copy of the bill of lading for the export and

(2) The invoice for the export.

(e) Every person who imports a container with a heel that is not reported under § 98.416(c) shall keep records of the amount brought into the United States that document that the residual amount in each shipment is less than 10 percent of the volume of the container and will:

(1) Remain in the container and be included in a future shipment.

(2) Be recovered and transformed.

(3) Be recovered and destroyed.

(4) Be recovered and included in a future shipment.

(f) Isolated intermediates that are produced and transformed at the same facility are exempt from the recordkeeping requirements of this section.

(g) Low-concentration constituents are exempt from the recordkeeping requirements of this section.

[74 FR 56374, Oct. 30, 2009, as amended at 75 FR 79168, Dec. 17, 2010]

### § 98.418 Definitions.

Except as provided below, all of the terms used in this subpart have the same meaning given in the Clean Air Act and subpart A of this part. If a conflict exists between a definition provided in this subpart and a definition provided in subpart A, the definition in this subpart shall take precedence for the reporting requirements in this subpart.

*Isolated intermediate* means a product of a process that is stored before subsequent processing. An isolated intermediate is usually a product of chemical synthesis. Storage of an isolated intermediate marks the end of a process. Storage occurs at any time the in-

termediate is placed in equipment used solely for storage.

*Low-concentration constituent* means, for purposes of fluorinated GHG production and export, a fluorinated GHG constituent of a fluorinated GHG product that occurs in the product in concentrations below 0.1 percent by mass. For purposes of fluorinated GHG import, low-concentration constituent means a fluorinated GHG constituent of a fluorinated GHG product that occurs in the product in concentrations below 0.5 percent by mass. Low-concentration constituents do not include fluorinated GHGs that are deliberately combined with the product (*e.g.*, to affect the performance characteristics of the product).

[75 FR 79169, Dec. 17, 2010]

## Subpart PP—Suppliers of Carbon Dioxide

### § 98.420 Definition of the source category.

(a) The carbon dioxide (CO<sub>2</sub>) supplier source category consists of the following:

(1) Facilities with production process units that capture a CO<sub>2</sub> stream for purposes of supplying CO<sub>2</sub> for commercial applications or that capture and maintain custody of a CO<sub>2</sub> stream in order to sequester or otherwise inject it underground. Capture refers to the initial separation and removal of CO<sub>2</sub> from a manufacturing process or any other process.

(2) Facilities with CO<sub>2</sub> production wells that extract or produce a CO<sub>2</sub> stream for purposes of supplying CO<sub>2</sub> for commercial applications or that extract and maintain custody of a CO<sub>2</sub> stream in order to sequester or otherwise inject it underground.

(3) Importers or exporters of bulk CO<sub>2</sub>.

(b) This source category is focused on upstream supply. It does not cover:

(1) Storage of CO<sub>2</sub> above ground or in geologic formations.

(2) Use of CO<sub>2</sub> in enhanced oil and gas recovery.

(3) Transportation or distribution of CO<sub>2</sub>.

(4) Purification, compression, or processing of CO<sub>2</sub>.